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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,240	11/14/2001	Motti Shechter	0208.0070C	6407

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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/987,240

Applicant(s)

SHECHTER ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 80, 82-84, 86-94, 96-98, 100-109, 111-120, 122-124, 126-133, 135-137, 139-147, 149-156 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80, 82-84, 86-94, 96-98, 100-109, 111-120, 122-124, 126-133, 135-137, 139-147 and 149-156 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/26/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

In response to amendment filed 2/26/2004, claims 80, 82-84, 86-94, 96-98, 100-109, 111-120, 122-124, 126-133, 135-137, 139-147, 149-156 are pending in this application. Claims 1-79, 81, 85, 95, 99, 110, 121, 125, 134, 138, 148, and 157-177 have been cancelled.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 80, 82-84, 86-90, 92-94, 96-98, 100-104, 106-109, 111-116, 118-120, 122-124, 126-129, 131-133, 135-137, 139-142, 144-147, 149-153, 155--156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikematsu et al. (USPN 5,613,913; hereinafter Ikematsu) in view of Marshall et al. (USPN 4,923,402; hereinafter Marshall).**

Regarding claims 94, 108, 133, and 146, Ikematsu discloses a network training system to enhance a physical skill of a subject and to facilitate a competition with respect to operation of a firearm, comprising: an activity processing system to facilitate and measure performance of physical operation of

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a firearm by said subject, the activity processing system including: an activity measuring device to measure performance of said physical firearm operation by the subject by identifying impact locations on a target 300; and a processor to evaluate the measured performance based on predetermined criteria and produce result information and physical skill of the subject with respect to firearm operation; and an information device to provide the result information to the subject relating to the performance of the firearm operation (Col. 3, lines 24-26).

Regarding claims 80, 120, and 126, Ikematsu discloses a network training system to enhance a physical skill of a subject and to facilitate a competition with respect to operation of a firearm, comprising: an activity processing system to facilitate and measure performance of physical operation of a firearm by said subject, the activity processing system including: an activity measuring device to measure performance of said physical firearm operation by the subject by identifying impact locations on a target (Col. 4, lines 35-39); and a processor to evaluate the measured performance based on predetermined criteria and produce result information and physical skill of the subject with respect to firearm operation (Fig. 7, S24-28); and an information device 200 to provide the result information to the subject relating to the performance of the firearm operation (Col. 3, lines 24-26); wherein the information system is in communication via a network with the activity processing system to provide said information to an instructor, wherein the information device provides feedback information feedback information to the subject based on the performance results (Col. 6, lines 9-19).

Regarding claims 83, 97, 112, 123, and 150, Ikematsu discloses a network training system to enhance a physical skill of a subject and to facilitate a competition with respect to operation of a firearm, comprising: an activity processing system to facilitate and measure performance of physical operation of a firearm by said subject, the activity processing system including: an activity measuring device to measure performance of said physical firearm operation by the subject, wherein the activity measuring device includes a laser-detecting target 300 to detect impact locations thereon of a laser beam emitted from a laser-transmitting firearm 305 actuated by the subject; and wherein the target includes a detector to measure a distance between the firearm and the target to verify proper conditions for performance of the firearm activity (Col. 3, lines 48-52; Figs. 6A and 6B); and a processor to evaluate the measured

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performance based on predetermined criteria and produce result information and physical skill of the subject with respect to firearm operation (Fig. 7, S24-28); and an information device to provide the result information to the subject relating to the performance of the firearm operation (Col. 3, lines 24-26); wherein the information system is in communication via a network with the activity processing system to provide said information to an instructor (Col. 6, lines 9-19), wherein the information device provides feedback information feedback information to the subject based on the performance results (Col. 3, lines 24-26).

Regarding claims 80, 83, 94, 97, 108, 112, 120, 123, 133, 136, 146, and 150 it is noted that Ikematsu does not explicitly state that the feedback information is used to modify the subject's performance to enhance performance results, the concept of utilizing feedback information to enhance or modify a behavior or action, if not implicit, is well known in the art. In addition, Marshall discloses a training system for training a subject how to operate of a firearm, wherein the subject receives feedback associated with his/her performance in operating a firearm, wherein the feedback information is *utilized to enhance the subject's performance* (Col. 3, lines 15-25). Hence, in view of Marshall, it would have been obvious to an artisan to modify the use of the feedback information described in Ikematsu, by utilizing the feedback to enhance a current performance level, in order to correct errors in the performance with the purpose of progressing to an expert performance level.

Regarding claims 82, 96, 111, 122, 135, and 149, Ikematsu discloses a network training system wherein the activity measuring device includes a laser detecting target to detect impact locations of a laser beam emitted from a laser-transmitting firearm actuated by the subject (Col. 4, lines 35-39).

Regarding claims 84, 98, 124, and 137, Ikematsu discloses a network training system wherein the physical activity includes cognitive knowledge of a subject (operation of a firearm), and wherein feedback information with regards to firearm operation performance results is provided to the subject, and wherein feedback information is associated with increasing a subject's cognitive knowledge (upon reviewing performance results a subject inherently increases his or her awareness of his or her performance level) *Col. 3, lines 24-26*.

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Regarding claims 86, 100 and 113, Ikematsu discloses a network training system wherein an information device is a display and a printing device (Fig. 5, S13; Fig. 7, S31).

Regarding claims 87 and 101, Ikematsu discloses a network training system wherein a plurality of processing systems 100 and 200 are in communication with each other to provide joint training (Col. 3, lines 24-57).

Regarding claims 88, 102, 114, 127, 140, and 151, Ikematsu discloses a network training system wherein the processor includes a storage module to store produced information for retrieval and analysis (Col. 2, lines 5-16).

Regarding claims 89, 103, 115, 128, 141, and 152, Ikematsu discloses a network training system wherein a plurality of information systems are in communication with a processing system via a network to provide information to at least one interested party (Col. 3, lines 24-39).

Regarding claims 90, 104, 116, 129, 142, and 153, Ikematsu discloses all of the claimed subject matter with the exception of explicitly disclosing a module for storing a subject's performance history. However, Marshall discloses a training system for training a subject how to operate of a firearm, wherein a subject's performance history is gathered and evaluated (Col. 5, lines 53-59). Hence, in view of Marshall, it would have been obvious to an artisan to modify the performance results described in Ikematsu by storing the results for further analysis, in order to compare the subject's performance results against a standard to accurately determine the subject's performance level.

Regarding claims 92, 106, 131, and 144, Ikematsu discloses a network training system wherein the performance result indicates a degree of compliance with a predetermined criteria (Fig. 7, S26).

Regarding claims 93, 107, 132, and 145, Ikematsu discloses a network training system wherein the predetermined criteria includes at least one standard level of performance associated with the physical activity (Col. 3, lines 24-28).

Regarding claims 109 and 147, Ikematsu discloses a network training system comprising a control system 200 to control transfer of participant information over a network.

Regarding claims 118, 119, 155, and 156, Ikematsu discloses all of the claimed subject matter with the exception of explicitly disclosing that the performance results are expressed in the form of a

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score. However, it is the examiner's position that expressing performance results in the form of a score is well known in the art, and it would have been obvious to an artisan to modify the performance results described in Ikematsu by presenting results in the form of a score value in order to track progress.

Regarding claim 139, Ikematsu discloses a network training system wherein the processing systems are in communication with each other and joint training is provided by measuring performance of a physical activity and evaluating the performance (Col. 3, lines 24-28).

**Claims 91, 105, 117, 130, 143, and 154 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikematsu et al. (USPN 5,613,913; hereinafter Ikematsu) in view of Marshall et al. (USPN 4,923,402; hereinafter Marshall), further in view of Macri et al. (USPN 5,890,906; hereinafter Macri).**

Regarding claims 91, 105, 117, 130, 143, and 154, Ikematsu discloses a network training system wherein each subject receives personal feedback. Neither Ikematsu nor Marshall explicitly discloses an identification module. However, Macri discloses a network training system comprising an identification module to provide access to the system (Col. 9, line 54). Thus in view of Macri, it would have been obvious to an artisan to modify the network training system described in the combination of Ikematsu and Marshall, by providing an identification module in order to keep track of each user and his or her performance history.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 80, 82-84, 86-94, 96-98, 100-109, 111-120, 122-124, 126-133, 135-137, 139-147, 149-156 have been considered but are moot in view of the new ground(s) of rejection. The indicated allowability of subject matter now incorporated in claims 83, 97, 112, 123, 136, and 150 is withdrawn in view of the newly discovered reference(s) to Ikematsu.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

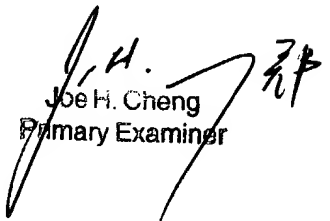
- Sussholz et al. (USPN 5,738,522) – disclose a small arms simulator including a plurality of weapon stations and an instructor station, .
- Nemiroff et al. (USPN 5,999,210) – disclose a military range scoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS

  
Joe H. Cheng  
Primary Examiner